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PATENT APPLICATION Docket No: 13447.42

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	of)
	Daniel F. Justin et al.) .
Serial No.:	10/749,332) Art Uni
Filed:	December 30, 2003) 3732
Confirmation No.	.: 9889)
For:	METHODS AND APPARATUS FOR FORMING A TUNNEL THROUGH A PROXIMAL END OF A TIBIA)))
TRANSMIT	TTAL FOR INFORMATION DISCLOSURE STATEMI	<u>ENT</u>
Commissioner for P.O. Box 1450 Alexandria, VA 2		
Sir:		
Information Discl	ed herewith for filing and pursuant to 37 C.F.R. § 1 losure Statement, which includes the following statement by by 37 C.F.R. § 1.98:	
	atement of relevance of selected cited references no glish language which are not translated.	ot in the
	atement that selected cited references are substantially can enclosed or previously submitted reference.	umulative
	ntement that selected cited references were previously committed to the United States Patent and Trademark O	•

prior application which is relied upon for an earlier filing date under

35 U.S.C. § 120.

٠.

^{*} Admitted only in California § Admitted only in Virginia

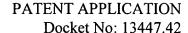
	A.	<u>Additi</u>	onal Materials Required Due to Content of Information Disclosure Statement
Statem			are the following documents in addition to the Information Disclosure variously under 37 C.F.R. § 1.98:
	<u>X</u>	Form 1	PTO-1449 listing 41 references submitted for consideration.
	<u>X</u>	A copy	y of 5 Non-US references listed on the Form PTO-1449.
			h translations of () of the references listed on the Form PTO-1449 are not in the English language.
		Copies applica	s of the following documents from the prosecution of a previous, related ation:
			Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
			Form PTO-892
	B.	Additi Statem	onal Materials Required Due to Timing of Filing of Information Disclosure
follow			ed Information Disclosure Statement is being filed within one (1) of the ne periods:
	I.	X	Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
	II.		Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
	U		Promptness Certification; or
-			Check No in the amount of \$ constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
	III.		After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
			Promptness Certificate;
	•		Petition for Consideration; and

			Check No. in the amount of \$ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).	
	IV.		After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:	
			Petition to Withdraw from Issue; and	
			Check No in the amount of \$ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).	
	C.	<u>Fees</u>		
The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.				
	<u>X</u>	Any fee required in relation to filing of this letter or any documents transmitted therewith.		
		The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).		
		The submission fee set forth in 37 C.F.R. § 1.17(p).		
		The pe	etition fee set forth in 37 C.F.R. § 1.17(i)(1).	
	Dated	this 7 th	day of February 2005.	

Respectfully submitted,

DANA L. TANGREN Attorney for Applicant Registration No. 37,246 Customer No. 022913 Telephone No. 801.533.9800

DLT:dfw Enclosures DFW0000012968V001





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
• **	Daniel F. Justin et al.)
Serial No.:	10/749,332) Art Unit
Filed:	December 30, 2003) 3732
Confirmation No.:	9889)
For:	METHODS AND APPARATUS FOR FORMING A TUNNEL THROUGH A PROXIMAL END OF A TIBIA)))

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the 7th day of February 2005.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 41 references (3 pages)
- A copy of 5 Non-US references list on the Form PTO-1449
- Postcard

Respectfully submitted,

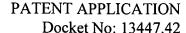
DANA L. TANGREN

Attorney for Applicant Registration No. 37,246

Customer No. 022913

Telephone No. 801.533.9800

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
	Daniel F. Justin et al.)) `
Serial No.:	10/749,332) Art Unit
Filed:	December 30, 2003) 3732
Confirmation No.:	9889))
For:	METHODS AND APPARATUS FOR FORMING A TUNNEL THROUGH A PROXIMAL END OF A TIBIA)))

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof that is not a US Patent document is also enclosed.

Dated this 7th day of February 2005.

Respectfully submitted,

Dana L. Tangren

Attorney for Applicant Registration No. 37,246

Customer No. 022913

Telephone No. 801.533.9800

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Form PTO-1449

Daniel F. Justin et al.

Applicant: Serial No.:

10/749,332

Filing Date: December 30, 2003 Att'y Docket No.: 13447.42

Group: 3732

Confirmation No.: 9889

Sheet 1 of 3

METHODS AND APPARATUS FOR FORMING A TUNNEL THROUGH A PROXIMAL For:

END OF A TIBIA



U.S. Patent Documents

Examiner <u>Initial*</u>	Document Number	Issue <u>Date</u>	<u>Name</u>
1	4,479,271	10/30/1984	Bolesky et al.
2	4,502,161	03/05/1985	Wall
3	4,627,853	12/09/1986	Campbell et al.
4	4,673,407	06/16/1987	Martin
5	5,035,699	07/30/1991	Coates
6	5,037,439	08/06/1991	Albrektsson et al.
7	5,092,895	03/03/1992	Albrektsson et al.
8	5,100,409	03/31/1992	Coates et al.
9	5,176,684	01/05/1993	Ferrante et al.
10	5,489,311	02/06/1996	Cipolletti
11	5,569,259	10/29/1996	Ferrante et al.
12	5,593,411	01/14/1997	Stalcup et al.
13	5,743,915	04/28/1998	Bertin et al.
14	5,766,255	06/16/1998	Slamin et al.
15	5,776,201	07/07/1998	Colleran et al.
16	5,860,981	01/19/1999	Bertin et al.
17	5,879,391	03/09/1999	Slamin
18	6,068,648	05/30/2000	Cole et al.
19	6,071,311	06/06/2000	O'Neil et al.
20	6,168,629 B1	01/02/2001	Timoteo
21	6,171,342 B1	01/09/2001	O'Neil et al.

Examiner: Date Considered:

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449
Sheet 2 of 3

Applicant: Daniel F. Justin et al. Confirmation No.: 9889
Serial No.: 10/749,332 Att'y Docket No.: 13447.42

Filing Date: December 30, 2003 Group: 3732

For: METHODS AND APPARATUS FOR FORMING A TUNNEL THROUGH A PROXIMAL

END OF A TIBIA

22	6,520,964 B2	02/18/2003	Tallarida et al.
23	6,544,267 B1	04/08/2003	Cole et al.
24	6,554,838 B2	04/29/2003	McGovern et al.
25	6,610,067 B2	08/26/2003	Tallarida et al.
26	6,679,917 B2	01/20/2004	Ek
27	2002/0055783 A1	05/09/2002	Tallarida et al.
28	2002/0138150 A1	09/26/2002	Leclercq
29	2002/0147498 A1	10/10/2002	Tallarida et al.
30	2003/0060887 A1	03/27/2003	Ek
31	2003/0120276 A1	06/26/2003	Tallarida et al.
32	2003/0158606 A1	08/21/2003	Coon et al.
33	2003/0225456 A1	12/04/2003	Ek
34	2003/0225457 A1	12/04/2003	Justin et al.
35	2004/0148030 A1	07/29/2004	Ek
36	2004/0015170 A1	01/22/2004	Tallarida et al.

Foreign Patent Documents

Examiner Initial*	Document Number	Publication <u>Date</u>	Country or Patent Office	Translation
37	WO 89/09578 A1	10/19/1989	PCT	N/A
38	WO 01/66021 A1	09/13/2001	PCT	N/A
39	WO 01/66022 A1	09/13/2001	PCT	N/A
40	WO 03/051210 A2	06/26/2003	PCT	N/A
41	WO 03/051211 A1	06/26/2003	PCT	N/A

Examiner:	Date Considered:

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449

Daniel F. Justin et al.

Applicant: Serial No.:

10/749,332

Filing Date: December 30, 2003

Att'y Docket No.: 13447.42

Confirmation No.: 9889

Group: 3732

Sheet 3 of 3

For:

METHODS AND APPARATUS FOR FORMING A TUNNEL THROUGH A PROXIMAL

END OF A TIBIA

Other Documents

(including author, title, pertinent pages, etc.)

Examiner Initial*

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:	Date Considered:	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.